

Message

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**Sent:** 7/14/2020 4:18:18 PM  
**To:** Kupchan, Simma [Kupchan.Simma@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]  
**CC:** Steven Neugeboren [Neugeboren.Steven@epa.gov]  
**Subject:** Ex. 5 AC/DP  
**Attachments:** Ex. 5 AC/DP

Hello – Mindy asked us to draft some options

Ex. 5 AC/DP

## Ex. 5 AC/DP

Ex. 5 AC/DP Let me know if you think differently or if you have any suggestions. I spoke to Simma yesterday about possibly mentioning this issue to David today at the NHPA meeting since Dave is likely to want to hear from everyone on this question tomorrow at the 3:00 check in.

Kathy is preparing a summary of the comments received on the FRN and will discuss them tomorrow at the 3:00. I haven't finished reviewing the comments yet. But, the ones I've skimmed are interesting. Defenders of Wildlife commented that EPA does have discretion and should consult on the program approval but any ITS would not cover each project, so the projects should also get Section 10 permits. PLF and Nat'l Assoc. of Home Builders argued that EPA does not have discretion to consult, but should consult on oversight of individual permits by certain federalizing permits (they call this the off-ramp approach). There are 22 total comments.



Options for  
Decision on EPA ...

Thanks,  
Alexis

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